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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,220

12/15/2003

Matthew Barrer

AED-0003

8637

23377 7590 06/02/2008
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EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

06/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

The Request for Reconsideration has been considered but does not place the application in condition for allowance. In the Remarks, one of Applicant's arguments is that the references relied upon are not prior art. Applicant supports this argument by stating that a Declaration under 1.131 was previously filed to establish an invention date prior to May 8, 2000. However, the Examiner has reviewed the prosecution history and cannot find a Declaration under 1.131 filed for the instant application. The copy of the Declaration Applicant submitted is a Declaration filed for the parent application, 09/924,503, and is therefore, not part of the record of the instant application and has not been considered by the Examiner for the instant application.

If Applicant wishes for the Examiner to consider the Declaration filed in application 09/924,503, it must be filed with the instant application to be made officially of record and considered. Examiner notes that the Declaration must at least specifically pertain to the claims of the instant application as well as the prior art relied upon in the instant application to be considered and found effective to overcome the references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren, can be reached at 571-272-6737.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/
Primary Examiner, Art Unit 3623

May 28, 2008